

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

L.E., by his next friend and parents,)
SHELLEY ESQUIVEL and)
MARIO ESQUIVEL,)
)
Plaintiff,)
)
v.) No. 3:21-CV-00835
)
BILL LEE, in his official capacity as)
Governor of Tennessee, et al.)
)
Defendants.)

MOTION REQUESTING CONTINUANCE OF TRIAL DATE AND ASSOCIATED
PRETRIAL DATES

Plaintiff L.E., by his next friends and parents, Shelley Esquivel and Mario Esquivel, respectfully requests that the Court continue the current trial date and pretrial schedule, and defer setting new deadlines and a trial date until after the Court rules on the pending cross-motions for summary judgment, which directly implicate the scope of trial. Plaintiff has conferred with Defendants and Defendants consent to this motion.

This case is currently set for a bench trial on March 21, 2023.¹ A Joint Proposed Pretrial Order is due by February 27, 2023, as well as witness lists, exhibit lists, and expert reports. Motions in limine and motions objecting to expert testimony are due on February 20, 2023.

All parties have filed Motions for Summary Judgment.² Resolution of the Motions for Summary Judgment could be dispositive of this case and obviate the need for a trial. If not

¹ Dkt. No. 23.

² Dkt. Nos. 46, 50, and 54 (“Motions for Summary Judgment”), which include motions for summary judgment filed by Knox County Defendants, Plaintiff, and State Defendants.

dispositive, resolution of the Motions for Summary Judgment could help resolve which issues are material and which facts are genuinely disputed, and significantly impact the scope of the pre-trial filings and trial. Accordingly, Plaintiff respectfully submits that economy and efficiency will be advanced by allowing the parties to have the benefit of the Court's rulings on the Motions for Summary Judgment before preparing for trial and submitting their pre-trial filings.

Moreover, a continuance would avoid the imposition of significant, potentially unnecessary expenses and burdens on the litigants, their attorneys, and seven expert witnesses. If the current trial date and associated pretrial deadlines are not continued, the parties will be required to invest significant resources preparing for a trial that may be substantially altered or may not occur due to the Court's rulings on the Motions for Summary Judgment.

Plaintiff respectfully requests that, once the Motions for Summary Judgment are resolved and should a trial still be necessary, the trial date be re-scheduled for a time approximately three months after the Court's order(s) on the Motions for Summary Judgment, to the extent permitted by the Court's and the parties' calendars.³

This motion is made for good cause and not for the purpose of undue delay. Therefore, Plaintiff respectfully requests that the Court continue the trial and all filing deadlines contained in the Order (Dkt. No. 23).

Respectfully submitted this 13th day of January 2023.

³ Plaintiff has missed two years of eligibility for the boys' golf team and hopes to be able to play during the golf season of his junior year of high school. Upon information and belief, the 2023-24 tryouts for the golf team are in or around May 2023 and the season begins in or around August 2023.

/s/ Alan Schoenfeld
Alan Schoenfeld
WILMER CUTLER PICKERING
HALE AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, N.Y. 10007
Tel: (212) 937-7294
alan.schoenfeld@wilmerhale.com

*Attorney for Plaintiff L.E., by his next
friends and parents, Shelley Esquivel and
Mario Esquivel*

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2023, a true and correct copy of the foregoing was served on the below counsel for Defendants, via the Court's ECF/CM system.

Stephanie A. Bergmeyer
Senior Assistant Attorney General
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202
Stephanie.Bergmeyer@ag.tn.gov
(615) 741-6828

Clark L. Hildabrand
Assistant Solicitor General
Office of Tennessee Attorney General and
Reporter
P.O. Box 20207
Nashville, Tennessee 37202
Clark.Hildabrand@ag.tn.gov
(615) 253-5642

David M. Sanders
Senior Deputy Law Director, Knox County
Suite 612, City-County Building
400 Main Street
Knoxville, TN 37902
David.Sanders@knoxcounty.org
(865) 215-2327

Jessica Jernigan-Johnson
Deputy Law Director, Knox County
Suite 612, City-County Building
400 Main Street
Knoxville, TN 37902
Jessica.Johnson@knoxcounty.org
(865) 215-2327

/s/ Alan Schoenfeld
Alan Schoenfeld